

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

---

RANDALL ARTHUR RADUNZ

Plaintiff,

Case No. 07-270

v.

BRUCE VON HADEN, et al.

Defendants

---

**DEFENDANT BRUCE VON HADEN'S MOTION FOR A PROTECTIVE ORDER**

---

NOW COMES the Defendant, BRUCE VON HADEN, by and through his attorneys, Axley Brynerson, LLP, by Attorneys Michael J. Modl and Timothy M. Barber, and, pursuant to Rule 26(c)(1)(B) of the Federal Rules of Civil Procedure, requests that this Court enter a protective order requiring that Plaintiff Randall Arthur Radunz be physically restrained during his deposition by means of handcuffs and restraint belt, or any other means as the Court deems appropriate. The grounds for this motion are set forth below and are further set forth in the attached declaration of Attorney Timothy M. Barber and the exhibits attached thereto:

1. Defendant Bruce Von Haden previously filed a motion with this Court, pursuant to Rule 30(a)(2)(B), seeking leave to depose Plaintiff, who is confined in prison at the Minnesota Correctional Facility-Faribault, located at 1101 Linden Lane, Faribault, Minnesota, 55021-6400.

2. The Plaintiff is a violent felon and is currently serving a sentence at the Minnesota Correctional Facility-Faribault after he pled guilty to Second Degree Manslaughter for choking a young woman to death. (Barber Decl., Exs. 1-2.)

3. In Pierce County Case No. 2002CF000066, Plaintiff pled guilty to a charge of Felon in Possession of a Firearm. (Barber Decl, Ex. 3.) Upon information and belief, Radunz was prohibited from owning a firearm after being convicted on a felony charge of Second-Degree Assault in Minnesota in 1988 for shooting a person with a handgun. (Barber Decl, Ex. 4 at 2, 17-18.)

4. Mr. Radunz has been convicted at least three times of violent felonies and has numerous other convictions for misdemeanors.

5. Counsel for Defendant Bruce Von Haden has been informed by Mr. Radunz's case manager at the Minnesota Correctional Facility-Faribault that under prison policy, Mr. Radunz will not be restrained if he is deposed and that there will be no prison guard present during the deposition.

6. Good cause exists to grant this protective order given Mr. Radunz's history of violence and the need to ensure the safety of the court reporter and all persons present at his deposition.

Dated this 12th Day of December, 2008.

AXLEY BRYNELSON, LLP

By: /s/ Timothy M. Barber  
Michael J. Modl; SBN: 1011419  
Timothy M. Barber; SBN: 1036507  
Attorneys for Defendant Bruce Von Haden  
2 East Mifflin Street, Ste. 200  
Madison, WI 53703  
(608) 257-5661  
[mmodl@axley.com](mailto:mmodl@axley.com)  
[tbarber@axley.com](mailto:tbarber@axley.com)

**CERTIFICATE OF SERVICE**

I hereby certify that on the 12th day of December, 2008, I caused Defendant Bruce Von Haden's Motion for a Protective Order and Order to be electronically filed with the Clerk of Court using the ECF filing system and a copy of same to be served on the following in the manner indicated:

**VIA U.S. MAIL**

Randall Arthur Radunz  
#218263-MN  
MCF Faribault  
1101 Linden Lane  
Faribault, MN 55021

Dated this 12th day of December, 2008.

/s/ Karen M. Iordachescu